

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

**In The Matter of Charges and
Complaint Against
RALPH CONTI, M.D.,
Respondent.**

By: [Signature]

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Board, after due consideration of the record, evidence and law, and being fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in this matter as follows:

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent held a license to practice medicine in the state of Nevada at all
4 relevant times.

5 **II.**

6 On October 11, 2010, the Investigative Committee of the Nevada State Board of
7 Medical Examiners filed the Complaint in this matter alleging a violation of Chapter 630
8 of the Nevada Revised Statutes.

9 **III.**

10 On March 2, 2011, a hearing was held before an appointed hearing officer on the
11 allegation contained within the Complaint. Respondent was present with counsel,
12 John H. Pilkington, Esq. The Investigative Committee was represented by
13 Lyn E. Beggs, Esq.

14 **IV.**

15 In June 2008, Board staff, on behalf of the Investigative Committee of the Nevada
16 State Board of Medical Examiners, requested that Respondent provide a response and
17 records related to a matter before the Committee. Board staff was contacted shortly
18 thereafter and was notified that Respondent was represented by counsel.

19 In July 2009, counsel for Respondent provided partial records and indicated that
20 a response would be following shortly as well as additional records. No response or
21 further records were ever received by the Committee or Board staff.

22 On May 12, 2010, the Committee issued an Order which was personally served
23 on counsel for Respondent, and was served on Respondent by certified mail, ordering
24 that a response and records regarding the matter before the Committee be produced
25 within ten days of service of the Order. The requested records and response were not
26 provided to the Committee as ordered.

27 Subsequently, the Committee issued an Order on August 4, 2010, which was
28 personally served on both Respondent and his counsel, ordering Respondent to appear

1 before the Committee on August 27, 2010, in Reno, Nevada to explain why he had
2 failed to comply with the May 12, 2010 Order of the Committee and previous attempts to
3 secure a response and records. It further ordered that the requested records and
4 response were to be provided at the time of the meeting.

5 Counsel for Respondent faxed a response on the afternoon of August 26, 2010 to
6 the Board offices in Reno, and on August 27, 2010, counsel for Respondent appeared
7 before the Committee; however, Respondent was not present. Counsel for Respondent
8 indicated that he had advised Respondent he need not appear; however, at no time did
9 the Committee excuse Respondent from his appearance.

10 V.

11 The Board finds by reliable, probative and substantial evidence that Respondent
12 violated NRS 630.3065(2)(a) as alleged in Count I of the Complaint and willfully failed to
13 comply with an order of the Board or a committee designated by the Board to investigate
14 a complaint against a physician when he failed to provide either records or a response
15 as ordered by the Investigative Committee on May 12, 2010, and when he failed to
16 appear before the Investigative Committee on August 27, 2010, as ordered in the Order
17 of the Investigative Committee served upon him and his counsel on August 4, 2010.

18 VI.

19 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
20 Law, it may be so construed.

21 CONCLUSIONS OF LAW

22 I.

23 The Board has jurisdiction over Respondent.

24 II.

25 Respondent was properly served with notice of the hearing via certified mail at
26 the address on file with the Board pursuant to NRS and NAC Chapters 630 and
27 NRS Chapter 233B.

28 ///

1 III.

2 The Board concludes that that Respondent has violated NRS 630.3065(2)(a) as
3 described above and, accordingly, is subject to discipline pursuant to NRS 630.352.

4 IV.

5 If any of the foregoing Conclusions of Law is more properly deemed a Finding of
6 Fact, it may be so construed.

7 ORDER


8 Based upon the foregoing Findings of Fact and Conclusions of Law, and good
9 cause appearing therefore,

10 IT IS HEREBY ORDERED that:

- 11 1. Respondent shall be issued a public reprimand;
12 2. Respondent shall pay a fine of \$4,000;
13 3. Respondent shall reimburse the Board the reasonable costs and expenses
14 incurred in the investigation and prosecution of this case in the amount of
15 \$3,985.01;
16 4. The fine and costs shall be remitted to the Board within ninety (90) days of
17 the date of the filing of this Order.

18 Dated this 14th day of June, 2011.

19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

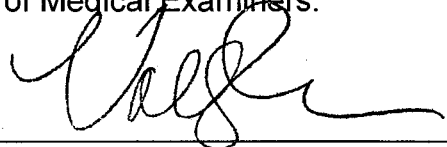
20
21 
22 Charles N. Held, M.D., President
23 Nevada State Board of Medical Examiners

24 CERTIFICATION

25
26 I certify that the foregoing is the full and true original FINDINGS OF FACT,
27 CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical
28 Examiners in the matter of RALPH CONTI, M.D., Case no. 10-8692-1.

1 I further certify that CHARLES N. HELD, M.D., is the President of the Nevada
2 State Board of Medical Examiners and that full force and credit is due to his official acts
3 as such; and that the signature to the foregoing ORDER is the signature of said
4 CHARLES N. HELD, M.D.

5 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
6 Secretary-Treasurer of the Nevada State Board of Medical Examiners.



7
8
9 VALERIE CLARK, BSN, RHU, LUTCF
10 Secretary-Treasurer
11 Nevada State Board of Medical Examiners
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28